

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL D. HARRIS,

Petitioner,

Case Number: 05-CV-74316

v.

HON. AVERN COHN

HUGH WOLFENBARGER,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR APPOINTED COUNSEL
AND FOR EVIDENTIARY HEARING**

Petitioner Michael D. Harris (Petitioner) filed a *pro se* petition for a writ of habeas corpus under 28 U.S.C. §2254. Now before the Court are Petitioner's Motion for Appointment of Counsel and Motion for Evidentiary Hearing. For the reasons that follow, the motions are DENIED.

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. Childs v. Pellegrin, 822 F.2d 1382, 1384 (6th Cir. 1987) ("[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.") (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case "[w]henver the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). Here, the Court finds after careful consideration that the interests of justice do not require appointment of counsel at this time.

Also before the Court is Petitioner's Motion for Evidentiary Hearing. Rule 8,

Rules Governing Section 2254 Cases in the United States District Courts provides, in pertinent part:

[A]fter the answer and the transcript and record of state court proceedings are filed, [the Court] shall, upon a review of those proceedings and of the expanded record, if any, determine whether an evidentiary hearing is required. If it appears that an evidentiary hearing is not required, the judge shall make such disposition of the petition as justice shall require.

After consideration of the answer and state court record, an evidentiary hearing is not necessary at this time for the just resolution of Petitioner's claims.

SO ORDERED.

Dated: June 27, 2006

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 27, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
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